

MAY 09 2008

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

REMARKS

This response is being filed with an RCE.

Claims 2-4, 11-15, 17, 19 and 22-47 are pending in this application. Claims 2-4, 11-15, 17, 19, and 22-42 have been rejected. Claims 43-47 are subject to restriction and/or election requirement and have been withdrawn from consideration in the pending matter. Claims 5-10, 16, 18, 20-21 have been previously cancelled. The response amends claims 2, 23, 38, 40, and 42.

Reconsideration and withdrawal of the rejections set forth in the Final Office Action dated January 25, 2008 are respectfully requested. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

In-person Interview Summary Statement

An in-person interview was conducted between Examiner Fleurantin, and applicant's representatives, Brian Coleman and Yenyun Fu. The undersigned representative wishes to thank the Examiner for the in-person interview conducted on April 8, 2008. During the interview, proposed claim amendments to independent claim 1 were briefly discussed (and such amendment is reflected in the section "Amendments to the Claims" listed above). Examiner Fleurantin recommended filing the proposed amendments with an RCE and continuing the communication after the response to the Final Office Action dated January 25, 2008 has been submitted.

Applicant herein submits the proposed amendments and is filing an RCE herewith to facilitate further discussion with the Examiner regarding the pending matter. Applicant thanks the Examiner for considering and entering the amendments after-final.

No particular agreement was reached during this interview.

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

35 U.S.C. §101 Rejections**Claims 38-42**

The Examiner has rejected claims 38-42 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully disagrees. However, claims 38, 40, and 42 have been amended to expedite prosecution.

Independent claim 38 is directed to a method of "creating a semantic object of a linking type for linking related semantic objects that represent related referents" (Claim 38, Preamble). Applicant submits that the subject matter of claim 38 indeed has practical application and that the produced result is both useful and tangible.

Further examples of practical applications include the teachings of pending dependent claims 39-42 of independent claim 38. Claims 39-42 provide substantive demonstration of the context, substance, and/or practical applications of "semantic object of a linking type" and the manipulations thereof. Applicant therefore asserts that concrete ideas regarding "semantic objects of a linking type" are disclosed with reference to claimed subject matter in claims 39-42 and with further reference to the extensive specification of this application describing several practical applications including at least the description in paragraphs [0313]-[0332].

Thus, the withdrawal of the rejection of the claims 38-42 under 35 U.S.C. §101 is respectfully requested.

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

35 U.S.C. §103 Rejections**Claims 2-4, 11-15, 17, 19, 22-42**

Claims 2-4, 11-15, 17, 19, 22-42 are rejected under 35 USC §103(a) as being allegedly unpatentable over Gupta, et al. (US Patent No. 6,513,059.) in view of Kroenke, et al. (U.S. Patent No. 5,809,297). Applicant respectfully disagrees.

The cited references do not show each and every element as recited in the independent claim 2

Applicant respectfully submits that when viewed as a whole or individually, the cited references do not show the subject matter recited in the pending claims.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Applicant's independent claims 2 and 38 include claimed subject matter neither taught nor suggested by Gupta and Kroenke when viewed alone or in combination. Therefore, Applicant's independent claims are patentable over the references.

For example, the method in claim 2 includes:

receiving an indicator to create a semantic object to represent a target referent;

determining whether an object type of the target referent is a physical entity, a digital object, or an intangible entity;

identifying a semantic object type for the semantic object suitable to represent the object type of the target referent;

creating the semantic object of the semantic object type ..., ...; wherein the plurality of meta-tags comprises a predetermined set of meta-tags ...; and associating the meta-tag of the plurality of meta-tags with metadatas; ... definable by an ontology. (*Emphasis Added, Claim 2*)

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

Reference 'Gupta'

Gupta discusses a system and method for facilitating exchange of information on a computer network. The system of Gupta provides one or more context trees, with each tree including two or more connected nodes, each node being associated with one or more selected node objects (Abstract, Gupta).

The combination of nodes in Gupta form a context tree where concepts evolve from a root node toward its node members, where each node member further specializes the concept.

For example, in Gupta:

"When viewed as a hierarchical structure, in a context tree, concepts evolve from a root node towards its member, where each member further specializes the concept. Hence, in Awit spaces, each individual context tree has a local knowledge base" (Gupta Col. 14, lines 15-20)

Therefore, the nodes of Gupta are limited to representation of node objects that are 'concepts' per se. Consequently, Gupta's nodes do not have varying 'types' suitable to represent target referents of varying 'types'.

Applicant's claim 2 recites "determining an object type of the target referent (which can be a physical entity, a digital object, or an intangible entity (e.g., concept))" and identifying suitable "semantic object type" for representation of the target referent. Gupta has no need for this since each context tree represents a particular specialized concept where each node forms a hierarchical structure that represents the hierarchy between related concepts.

Similar rationale and arguments can be applied to independent claim 29. However, the Examiner neglected to provide detailed analysis of the basis of rejection of claim 29 in view of Gupta and Kroenke. The Examiner applied the same line of reasoning of claim 2 to claim 29 even though the subject matter in claim 29 is different from that of claim 2.

MAY 09 2008

05/09/2008 16:44 FAX 650 838 4350

PERKINS COIE

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

Further, Gupta does not disclose creating a semantic object. The Examiner acknowledges this. The Examiner states that "Gupta fails to explicitly disclose creating the semantic object of the semantic object type to represent the target referent." (Page 7 of Office Action mailed January 25, 2008).

Reference 'Kroenke'

Kroenke does not disclose or suggest the features/functionalities that (as discussed above) are missing from Gupta. In particular, Kroenke also does not teach or suggest the above-emphasized claimed subject matter which has been newly added to claim 2.

Applicant further submits that Kroenke does not disclose, suggest, or motivate meta-tags and metadata associated with the semantic object, "wherein at least one of, the meta-tag of the plurality of meta-tags and the metadata associated with the meta-tag is definable in an ontology", as claimed by applicant in independent claim 2.

Therefore, without admitting to the propriety of the combination as suggested by the Examiner, even if Gupta and Kroenke were combined, the resulting disclosure would be different from the subject matter disclosed by the applicant in independent claim 2, at least for the above stated reasons. Thus, applicant submits that independent claim 2 is patentable over Gupta, Kroenke, and over the combination of Gupta and Kroenke.

MAY 09 2008

Application No. 10/720,031

Attorney Docket No. 61217-8010.US01

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for claims 2-4, 11-15, 17, 19, 22-37 and 39-42.

CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4306 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

Date: April 10, 2008
Yenyun Fu
Registration No.: 59,141Correspondence Address: 22918

Perkins Coie LLP
P.O. Box 2168
Menlo Park, CA 94026-2168
(650) 838-4300
(650) 838-4350
Agent for Applicant